REMARKS

Claims 1, 3, 5-6, 11-12, and 32-39 are currently pending with claims 1 and 33 being independent. Claims 1, 32-33, and 39 are amended. Support for the amendments is found throughout the specification, for example, at page 3, lines 21-30; at page 5, lines 1-5; and at FIG. 3. No new subject matter is added. Applicants request reconsideration of the pending claims in view of the amendment and the following remarks.

Claim Rejection – 35 USC § 102

The Office action (at page 2) rejected claims 1, 3, 5-6, 11-12, and 32-39 under 35 U.S.C. § 102(b) as being allegedly anticipated by Fujiwara (U.S. Pub. No. 2002-0091875). Applicant respectfully submits that Fujiwara fails to disclose each and every element of independent claim 1.

First, unlike claim 1, Fujiwara fails to disclose a "prediction computing engine performing the second prediction determination using both of the stored first state information generated as part of the first prediction determination and the ***second input value set derived from the additional information about the customer that became available at the application system after the sending of the first request***." In contrast, Fujiwara describes a system where a data mining server receives a set of customer data from a database and sends the received customer data through a "cascade connection" of two decision trees to predict a response rate of the customers to advertisement mail. (Fujiwara at paragraphs [0172]-[0173] and [0177]-[0178].) Specifically, "[i]n an analysis based on the first decision tree, a response rate for each advertisement mail is predicted. In an analysis based on the second decision tree, a response rate is again predicted with respect to customers who less likely respond to the advertisement mail." (Fujiwara at paragraph [0178].) In other words, Fujiwara receives a single set of customer data from a database and performs two sequential analysis, where the second analysis is based on a subset of customers that the first analysis was performed upon. Fujiwara does not disclose the recited subject matter. Indeed, the data used in Fujiwara's second analysis is not ***additional*** customer data that became available at an application system ***after*** the sending of a first request.

The data input to Fujiwara's second analysis is the ***same*** customer data (or a subset thereof) that was provided ***with*** the initial selection of customer data.

Second, unlike claim 1, Fujiwara fails to disclose "***during the course of the interactive session*** with the customer, the application computing system sending a first electronic request to the prediction computing engine to perform a first prediction determination of a probability that the customer will take a predefined action" and "at a later point in time ***during the interactive session*** with the customer when additional information about the customer becomes available, the application computing system sending a second electronic request to the prediction computing engine to perform a second prediction determination of a probability that the customer will take the predefined action." To the contrary, even if the receipt of and response to one of Fijiwara's electronic advertisements was an "interactive session with the customer" (an issue Applicant contests), Fuijiwara's data mining server receives data on and analyzes response rates for a candidate advertisement recipient ***before*** the candidate recipient is sent an advertisement and ***before*** the candidate recipient responds to the advertisement. (Fujiwara at paragraphs [0151] and [0183].) Indeed, once an advertisement is received by an individual, the data mining server has ***already*** processed customer data on that individual. The requests are not sent during an interactive session with the customer.

Thus, not only does Fujiwara fail to suggest the claimed method, but Fujiwara teaches away from a method where "during the course of the interactive session with the customer, the application computing system send[s] a first electronic request to the prediction computing engine to perform a first prediction determination of a probability that the customer will take a predefined action" MPEP § 2141.02(VI); *see also KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740 (2007) (explaining that a conclusion of nonobviousness is proper "when the prior art teaches away" from a claimed combination).

Independent claim 33 recites language that is substantially similar to that in claim 1 and is patentable for at least the same reasons. Dependent claims 3, 5-6, 11-12, 32, and 34-39 are patentable for at least the same reasons as their independent claims, and for the independently patentable features described therein.

Claim Rejection – 35 USC § 103

The Office action (at page 4) rejected claims 12 and 39 additionally under 35 U.S.C. § 103(a) as being unpatentable over Fujiwara in view of Tamayo (U.S. Pub. No. 2002-0083067). Dependent claims 12 and 39 are patentable for at least the same reasons as their independent claims, and for the independently patentable features described therein.

Conclusion

Accordingly, claims 1, 3, 5-6, 11-12, and 32-39, as amended, appear to be in a form for allowance. As such, Applicants request that the Examiner allow claims 1, 3, 5-6, 11-12, and 32-39.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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